IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.127 OF 2005

Smt.Shantaben Bhagwan Goma Appellant

Vs.

M/s.Vimal Corporation & ors. Respondents

Mr.Sanjeev Singh h/f. Mr.Bipin Joshi for appellant.
Miss R.C.Nichani for respondent no.1.

CORAM: B.H.MARLAPALLE,J.
July 18, 2005.

ORAL ORDER:

. Heard Mr.Singh, the learned counsel for the appellant who is defendant no.1 in S.C.Suit No.1596 of 2000. Notice of Motion No.1184 of 2000 has been made absolute in terms of prayer clauses (a) and (c) but the appellant has been appointed as an agent of the Court Receiver and has been directed to deposit initially a sum of Rs.500/- with the Court Receiver by way of security.

. The learned counsel for the appellant relied upon the order passed by the Court below on 4/3/2004 in Notice of Motion No.1245 of 2000 filed in S.C.Suit No.1595 of 2000 and submitted that in similar cases the trial Court had granted reliefs in favour of the plaintiffs by keeping in mind the principles of equity.

. The reasoning given by the impugned order indicates that the consent terms which the appellant signed are in respect of some other suit premises and not the suit premises in S.C.Suit No.1596 of 2000 and on the basis of such consent terms, she is encroaching and constructing unauthorised structures on the suit plot belonging to the Corporation. It was under these circumstances that the trial Court deemed it fit to pass the impugned order. No fault could be found with the impugned order and, therefore, this appeal must fail at the threshold.

Appeal is dismissed in limine.

. Certified copy is expedited.

(B.H.MARLAPALLE,J.)